

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISCELLANEOUS APPLICATION NO. 72 OF 2015

Rekha Santosh Ingle,
Age: 46 years, Occ: Nil.,
R/o C/o Madhukar J. Ambhore,
K-9, 55/3 Pawan Nagar, HUDCO,
Aurangabad -431 003

...APPLICANT

versus

Santosh Kisanrao Ingle,
Age: 50 yrs, Occ: Service and Pensioner,
R/O : 7 Shraddha Nagar,
Police Vasahat, Dabki Road,
Near Nandane Mangal Karyalaya,
Akola, Dist. Akola -441 002.

...RESPONDENT

.....
Mr. Abhishek C. Deshpande, Advocate for applicant.
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CORAM : SUNIL P. DESHMUKH, J.

DATED : 15th DECEMBER, 2015

ORAL JUDGMENT :-

1. Though served through paper publication, no appearance is caused on behalf of the respondent.
2. Rule. Rule made returnable forthwith. Heard learned counsel for applicant finally.
3. Learned counsel for applicant points out that marriage between applicant and respondent had taken place in 1990 and thereafter from the wedlock, the couple has begotten two sons. There was continuous

harassment to the applicant since the marriage. However, with the hope that situation would be improved, the applicant was staying with the respondent. Thereafter, the situation had worsened and harassment had become unbearable and it was impossible for the applicant to stay with respondent. The respondent has several habits like drinking alcohol and abusing the applicant and he also used to beat the applicant. Ultimately, situation became unbearable and she lodged complaint at Police Station at Akola. Thereafter, applicant and sons had been driven out of the matrimonial house.

4. In the circumstances, it is submitted by learned counsel for the applicant that as children and applicant were not maintained and are neglected by the respondent, applicant had come down to Aurangabad since a few of her relatives are at Aurangabad. Since 2013, she is residing at Aurangabad. The applicant had filed proceedings for maintenance in the court at Aurangabad. In the meanwhile, the respondent appears to have moved Hindu Marriage Petition No. 79 of 2015 in the court at Akola, seeking divorce.

5. Looking at aforesaid, according to learned counsel, it is almost impossible and not desirable to force the applicant to attend the proceedings at Akola, where respondent is residing. Additionally, learned counsel points out the conduct of respondent in not accepting notices from the court in regular course, as respondent had avoided to accept the notice, he was required to serve through paper publication.

6. Having regard to aforesaid, the applicant - wife is staying with her two children at Aurangabad and she has filed proceedings for maintenance in the court at Aurangabad, I deem it appropriate to allow present miscellaneous civil application in terms of prayer clause "B".

7. Miscellaneous civil application stands allowed in terms of prayer clause "B". Rule is made absolute accordingly.

8. At this stage, learned counsel for the applicant points out that the respondent has already been served through paper publication and copies of news papers to that effect have been placed on record of the office. The amount of Rs. 3000/- deposited in this court towards paper publication charges under order dated 15-09-2015 of this court, may be allowed to be withdrawn by the applicant as the expenses for paper publication have been already paid by the applicant directly to the publisher of newspaper, namely, "*Daily Deshonnati*".

9. In view of the same, amount of Rs.3000/- deposited by the applicant in this court towards paper publication be allowed to be withdrawn by her.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK